

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Defendant.

1-9

On July 10, 2025, Plaintiff received an email from Chief Deputy Attorney General Gregory D. Ott stating that the Nevada Secretary of State will notify the vendor and 15 county election officials on July 18, 2025, to install the Dominion Voting System 5.20 update, with installations beginning approximately July 23, 2025. No forensic images or preservation safeguards are in place. This update will overwrite critical election records, including Cast Vote Records, tabulator logs, EMS metadata, and audit trails, constituting spoliation of evidence (*Silvestri v. GM*, 271 F.3d 583 (4th Cir. 2001)) and violating 52 U.S.C. § 20701, which mandates 22-month retention of all election records. The update begins in two days, necessitating immediate judicial action to preserve evidence critical to Plaintiff's pending election challenge.

2. Legal Basis for TRO

Federal Rule of Civil Procedure 65(b) authorizes a TRO to prevent immediate and irreparable harm. Plaintiff satisfies the four TRO requirements:

- **Likelihood of Success on the Merits:** The Secretary's authorization of the 5.20 update violates:
 - 52 U.S.C. § 20701, requiring retention of election records for 22 months, with no statutory exemption for software updates.
 - 42 U.S.C. § 1983, by depriving Plaintiff of procedural due process (*Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982)) and access to courts (*Zinermon v.*

Burch, 494 U.S. 113 (1990)), and interfering with First Amendment rights to petition (BE & K Constr. Co. v. NLRB, 536 U.S. 516 (2002)).

- 28 U.S.C. § 1361, as preserving records is a non-discretionary duty (Cheney v. U.S. Dist. Ct., 542 U.S. 867 (2004)).

- **Irreparable Harm:** The update will destroy evidence critical to Plaintiff's election challenge, causing irreparable harm by preventing meaningful litigation (Silvestri v. GM, 271 F.3d 583). Plaintiff has standing, as the Secretary's actions threaten a legally protected interest (Friends of the Earth v. Laidlaw, 528 U.S. 167 (2000)).

- **Balance of Equities:** Delaying the update to allow forensic preservation imposes minimal burden on the Secretary compared to the harm to Plaintiff's rights and election integrity.

- **Public Interest:** Preserving election records ensures transparency and accountability in federal elections, serving the public interest.

3. Request for Expedited Hearing

Pursuant to Local Rule 7-5, Plaintiff requests an expedited hearing on or before July 23, 2025, due to the imminent update start date. The courtroom deputy was notified of this emergency filing (contacted at 702-464-5467 on July 21, 2025).

4. Relief Requested

Plaintiff respectfully requests that the Court:

- Issue a TRO enjoining the Nevada Secretary of State, their agents, and all county election officials from implementing the Dominion Voting System 5.20 update until forensic preservation of all 2024 election records is conducted.
- Schedule an expedited hearing on or before July 23, 2025, to consider this TRO and preliminary injunction.
- Grant further relief as the Court deems just, including costs.

Attached: Declaration of Andy Michael Thompson, Proposed Order.

Date: July 21, 2025
/s/ Andy Michael Thompson
Andy Michael Thompson
1157 Teal Point Drive
Henderson, NV 89074
weareheavenbound@yahoo.com
(702) 467-4374
Plaintiff, Pro Se

DECLARATION OF ANDY MICHAEL THOMPSON

I, Andy Michael Thompson, declare under penalty of perjury:

1. On July 10, 2025, I received an email from Gregory D. Ott, Chief Deputy Attorney General, stating that the Nevada Secretary of State will authorize the Dominion Voting System 5.20 update, with installations beginning approximately July 23, 2025, and continuing through September 30, 2025.
2. No forensic images or preservation safeguards are in place, as confirmed by Ott's email.
3. The update will overwrite Cast Vote Records, tabulator logs, EMS metadata, and audit trails, destroying evidence critical to my pending election challenge and related litigation.
4. This destruction will cause irreparable harm by preventing access to courts and redress.
5. I filed this motion as soon as possible upon learning of the July 23, 2025, start date, and after initiating this suit in federal district court.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 21st day of July, 2025

/s/ Andy Michael Thompson

Andy Michael Thompson

Plaintiff, Pro Se

PROPOSED ORDER

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Andy Michael Thompson,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 2:25-cv-01284-CDS-EJY
)	
Nevada Secretary of State,)	
)	
<i>Defendant.</i>)	
)	

**[PROPOSED] ORDER GRANTING EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND EXPEDITED HEARING**

Upon consideration of Plaintiff's Emergency Motion for Temporary Restraining Order and Expedited Hearing, the Court finds good cause to grant the motion.

IT IS HEREBY ORDERED:

1. The Nevada Secretary of State, their agents, and all county election officials are enjoined from implementing the Dominion Voting System 5.20 update until forensic preservation of all 2024 election records, including Cast Vote Records, tabulator logs, EMS metadata, and audit trails, is conducted.
2. An expedited hearing is scheduled for July 23, 2025, at 9:00 AM PDT to consider this TRO and preliminary injunction.

3. Plaintiff shall serve this order on the defendant by hand delivery via process server by July 22, 2025.

Date: _____

United States District Judge

PROOF OF SERVICE

I, Andy Michael Thompson, certify that on July 21, 2025, I delivered a true and correct copy of the Emergency Motion for Temporary Restraining Order and Expedited Hearing, Declaration, and Proposed Order to Legal Process Service, a professional process server, with instructions to serve the following party by hand delivery:

Gregory D. Ott, Chief Deputy Attorney General
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

The process server will complete and return a Proof of Service upon completion of service, which will be filed with the Court.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: July 21, 2025
/s/ Andy Michael Thompson
Andy Michael Thompson
1157 Teal Point Drive
Henderson, NV 89074
weareheavenbound@yahoo.com
(702) 467-4374
Plaintiff, Pro Se